

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

Chapter 11

EVERYDAY LOGISTICS LLC,

Case No. 10-22026 (RDD)

Debtor.
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**ORDER AUTHORIZING INTERIM USE OF CASH COLLATERAL AND
NOTICE OF FINAL HEARING ON APPLICATION TO USE CASH
COLLATERAL**

Upon the application (the “Application”) of Everyday Logistics LLC, the debtor and debtor-in-possession (the “Debtor”), for an order pursuant to § 363(c) of the Bankruptcy Code (the “Code”) authorizing the use of “cash collateral” as that term is defined in § 363(a) of the Code (“Cash Collateral”), and upon the hearing held before this Court on January 19, 2010, and after due deliberation and sufficient cause appearing therefor, it is

ORDERED, that pending the final hearing on the Debtor’s Application, the Debtor is authorized to use the proceeds generated by the Debtor’s property (“Property”) known as the Hudson Valley Resort & Spa located at 400 Granite Road, Kerhonkson, New York, solely for the purposes of protecting and preserving the Property by making the payments only for expenses identified on Exhibit A to the Application (the “Monthly Expenses”); and it is further

ORDERED, that, pending the final hearing, as adequate protection for any valid, perfected and enforceable interest in cash collateral to be used by the Debtor, the Debtor shall:

(a) use cash collateral only in the ordinary course of business and solely to preserve and protect

the Property, (b) strictly maintain records accounting for its use of cash collateral, (c) furnish the Lenders with monthly operating reports required by the United States Trustee and provide the Lenders and the U.S. Trustee with weekly “flash reports” of itemized cash receipts and disbursements, which shall be provided no later than 12:00 pm on each Friday, and (d) shall be deemed to have provided the Lenders with valid, perfected and enforceable replacement liens on the Debtor’s assets (with the exception of any causes of action in chapter 5 of the Bankruptcy Code and the proceeds thereof), solely to the extent of any diminution of the respective Lenders’ valid, perfected and enforceable interests in cash collateral arising as a result of the Debtor’s use of such cash collateral, and it is further;

ORDERED, that pursuant to Bankruptcy Rule 4001(c) a final hearing (“Final Hearing”) with respect to the relief requested by the Debtor in the Application will be held before the the Honorable Robert D. Drain on February 5, 2010 at 10:00 a.m. (the “Final Hearing”), at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, NY 10601-4140, and it is further;

ORDERED, that objections to the relief to be requested at the Final Hearing shall be filed with Clerk of Court and served upon Backenroth, Frankel & Krinsky, LLP (with a copy to chambers) so as to be received on or before February 3, 2010 at 12:00 noon, with a copy delivered to Drain’s Chambers, and it is further;

ORDERED, that the Debtor shall serve a copy of this Order upon the Office of the U.S. Trustee, and all of the Debtor's creditors by regular U.S. Mail on or before January 21, 2010.

Dated: White Plains, New York
January 19, 2010

/s/ Robert D. Drain
UNITED STATES BANKRUPTCY JUDGE